

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Khincey Nevell Barnes

Docket No. 5:14-CR-291-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Khincey Nevell Barnes, who, upon a finding of guilt by jury to Aiding and Abetting in Carjacking, in violation of 18 U.S.C. § 2119 and 2, was sentenced in the Eastern District of Virginia by the Honorable James C. Cacheris, U.S. District Judge, on January 11, 2002, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional condition:

The defendant shall participate in a program approved by the Probation Officer for substance abuse, which program may include residential treatment and testing to determine whether the defendant has reverted to the use of drugs or alcohol, with particular costs to be paid by the defendant, all as directed by the probation officer.

Barnes was released from custody on June 13, 2014, at which time the term of supervised release commenced. On September 30, 2014, a Violation Report was submitted to the Eastern District of Virginia, advising that on September 19, 2014, Barnes was charged in Wake County, Raleigh, North Carolina, with Misdemeanor Communicating Threats (14CR220865). Barnes denied guilt, and the probation officer personally spoke with the complainant, who signed a statement indicating that the defendant never threatened her. Additionally, the defendant tested positive for marijuana on September 24, 2014. On October 14, 2014, the court agreed to continue supervision as well as transfer jurisdiction. On December 18, 2014, jurisdiction was transferred from the Eastern District of Virginia to the Eastern District of North Carolina.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 30, 2014, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on January 12, 2015. During a home inspection on January 27, 2015, the defendant signed an admission of drug use form acknowledging that he used marijuana on December 29, 2014. As a sanction for this violation, we are recommending that he serve 6 days in jail. Additionally, he has been referred to outpatient substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days as directed by the probation officer and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Room 214
Greenville, NC 27858-1137
Phone: 252-758-7200
Executed On: January 28, 2015

ORDER OF COURT

Considered and ordered this 29 day of January, 2015, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge